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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v.	Magistrate Case No. '08 MJ 0260
Oscar Armando CACERES Defendant.	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **January 23, 2008**, within the Southern District of California, defendant, **Oscar Armando CACERES**, an alien, who previously had been excluded, deported and removed from the United States to El Salvador, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Deven A. Woodday, U.S. Immigration
& Customs Enforcement, Immigration Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **January 2008.**

UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
NAME: Oscar Armando CACERES

PROBABLE CAUSE STATEMENT

On January 23, 2008, the defendant identified as, "Oscar Armando CACERES" was arrested by the San Diego Police Department for violation of section 422 of the California Penal Code, "THREATEN CRIME; CAUSE DEATH/GBI" and booked into San Diego Jail. While in the custody of county jail, an Immigration Agent conducted a field interview, determined the defendant to be a citizen of El Salvador and placed a Form I-247 (Immigration Hold) pending his release from custody.

On January 28, 2008, the defendant was referred to United States Immigration and Customs Enforcement custody. An Immigration Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of El Salvador having been deported or removed from the United States on at least two occasions.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was ordered deported from the United States by an Immigration Judge on or about October 26, 2004, and removed via the Los Angeles, California International Airport on November 10, 2004. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Oscar Armando CACERES, a citizen and national of El Salvador.

All information indicates the defendant is a citizen of El Salvador having been previously deported from the United States and has no legal right to re-enter.